REMARKS

Applicant respectfully traverses and requests reconsideration.

In the Advisory Action, in the "Response to Arguments" section, the rejection of claim 18 under 35 U.S.C. §101 is maintained. Applicant respectfully submits that one of ordinary skill in the art recognizes that the word "software" as used in the Specification in context does not refer to "software per se" such as software instructions written on a piece of paper, but instead refers to instructions stored in memory or executing by circuitry such as a processing device. As to the network element, on pages 7 and 8 of the Specification, the reference to discrete logic or "any suitable combination" refers to a combination of hardware/software, hardware/firmware or any "suitable combination" for operation. Software per se is not described in the Specification as performing any function as it is impossible for software per se to perform operations as known to one of ordinary skill in the art if software per se is considered to be, for example, written instructions stored on a piece of a paper. Applicant respectfully submits that the Examiner's interpretation of the means plus function language does not give any meaning to the word "means" nor does it give meaning that one of ordinary skill in the art has of the use of the word software in the context of the Specification as the Specification describes software in terms of certain operations, functions or circuits so that software modules as described are software modules executing on a suitable processing device or stored in memory as noted, for example, in claim 20. Accordingly, Applicant respectfully submits that the rejection should be withdrawn.

Applicant has also added new claim 28 which indicates that one example of the means for decrypting, for example, may be software executing on a microprocessor or other suitable processing device. However, the means for decrypting may be discrete logic (not programmable) or any other suitable logic as desired. Such structures are well known to those of ordinary skill in the art.

As to claim 24, Applicant respectfully reasserts the relevant remarks made above indicating that the use of the word "software" must be interpreted in the context of the Specification as recognized by one of ordinary skill in the art. If the rejection is maintained. Applicant respectfully requests a definition that the Examiner is using for the words "software per se" as Applicant is unable to find mention of this term anywhere in Applicant's Specification nor would one of ordinary skill in the art understand Applicant's disclosure to describe software per se as being able to accomplish any function.

As to claim 1, the method requires, among other things, receiving an encrypted secret key encrypted using a public key associated with the secure distribution server. The method also includes decrypting the encrypted secret key to produce a decrypted secret key and encrypting the decrypted secret key for at least one intended recipient using a corresponding public key to produce at least one recipient specific secure secret key. The cited portion of Pearlman actually refers to encrypting a message key "with group secret key 314". As such, Pearlman teaches re-encrypting a decrypted secret key using a group secret key. A group secret key is the same secret key for multiple recipients. This is different from a "recipient specific" secure secret key as required by the claim. The Advisory Action states "The Examiner notes that a group secret key is public to all members of the group, thus the value of the key is public to all members of the group. As such, it is a corresponding public key which is used to encrypt the secret/message key." However, Applicant is not claiming a public key that is public to all members of the group. To the contrary, the claim requires encrypting the decrypted secret key for an intended recipient using a corresponding public key to produce at least one recipient specific secure secret key. Stated another way, the claimed invention produces a recipient specific secure secret key. A group public key that is used will produce not recipient specific encrypted keys but group specific keys. As such, a key encrypted using a group key can be decrypted by groups of recipients that share a

common public key. The claimed operation is not taught in the cited portion of Pearlman. Accordingly, Applicant respectfully submits that the claims are in condition for allowance.

The dependent claims add additional novel and non-obvious subject matter.

Claims 2, 9, 12-13, 16, 21 and 25-26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Pearlman. Applicants respectfully reassert the relevant remarks made above with respect to Pearlman and as such, these claims are also in condition for allowance.

Claims 11 and 27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Pearlman in view of Chen. Applicants respectfully reassert the relevant remarks made above with respect to Pearlman and as such, these claims are also in condition for allowance.

Claim 14 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Pearlman in view of Bouchard et al. Applicants respectfully reassert the relevant remarks made above with respect to Pearlman and as such, this claim is also in condition for allowance. This claim also adds additional novel and non-obvious subject matter.

Applicants respectfully request that a timely Notice of Allowance be issued in this case. The Examiner is invited to contact the below-listed attorney if the Examiner believes that a telephone conference will advance the prosecution of this application.

Respectfully submitted,

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By: _____
Christopher J. Reckamp
Registration No. 34,414

Vedder, Price, Kaufman & Kammholz, P.C.
222 N. LaSalle Street
Chicago, Illinois 60601
PHONE: (312) 609-7599
FAX: (312) 609-5005